

FIRST REGULAR SESSION

SENATE BILL NO. 429

95TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SMITH.

Read 1st time February 23, 2009, and ordered printed.

TERRY L. SPIELER, Secretary.

0634S.031

AN ACT

To amend chapters 161 and 162, RSMo, by adding thereto two new sections relating to teacher assessments.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapters 161 and 162, RSMo, are amended by adding thereto two new sections, to be known as sections 161.660 and 162.1162, to read as follows:

161.660. The department of elementary and secondary education shall designate, by July 1, 2010, teacher assessment programs for use by all school districts and charter schools within this state. Such assessments shall be a comprehensive, performance-based evaluation of the teacher. The assessments designated by the department shall be existing assessment tools, such as the Praxis Examination, the National Teacher Examination, or another existing assessment tool. Multiple assessments shall be designated in order to assess each teacher according to the specific subject area taught by the teacher. The department may promulgate rules in order to effectuate the provisions of this section, including objective measures to determine whether a teacher demonstrates a minimum level of competency in the teacher's subject area, as well as whether a teacher demonstrates a high level of competency in the teacher's subject area based on a score of ninety percent or better on the assessment. Any rule or portion of a rule, as that term is defined in section 536.010, RSMo, that is created under the authority delegated in this section shall become effective only if it

18 complies with and is subject to all of the provisions of chapter 536,
19 RSMo, and, if applicable, section 536.028, RSMo. This section and
20 chapter 536, RSMo, are nonseverable and if any of the powers vested
21 with the general assembly pursuant to chapter 536, RSMo, to review, to
22 delay the effective date, or to disapprove and annul a rule are
23 subsequently held unconstitutional, then the grant of rulemaking
24 authority and any rule proposed or adopted after August 28, 2009, shall
25 be invalid and void.

162.1162. 1. Beginning August 28, 2010, any school district that
2 is classified as unaccredited by the state board of education shall
3 require each teacher to be assessed every five years to determine the
4 competency of the teacher in the teacher's subject area or areas.

5 2. The school district shall utilize one or more of the
6 assessments designated by the department of elementary and secondary
7 education in section 161.660, RSMo. The school district shall notify
8 each teacher of the results of the assessment by certified mail sent to
9 the teacher.

10 3. Any teacher who fails to demonstrate a minimum level of
11 competency, based on the results of the assessment required by
12 subsection 1 of this section, shall be allowed to re-take the assessment
13 no more than one time within three months after receiving notification
14 of the failure. If a teacher fails a second time, or wishes to appeal after
15 an initial failure, the teacher shall present documentation of
16 effectiveness such as student test scores on a value-added instrument
17 advancing, on average, by one grade level. The appeal shall be made
18 through the administrative hearing commission under Chapter 621.

19 4. Notwithstanding the provisions of sections 168.221, RSMo, and
20 168.281, RSMo, a teacher that fails to demonstrate a minimum level of
21 competency shall not be considered a permanent employee of the school
22 district.

23 5. A teacher that demonstrates a high level of competency, as
24 determined by rules promulgated by the department of elementary and
25 secondary education under authority granted in section 161.660, RSMo,
26 shall be exempt from the assessment required by this section for the
27 next five-year period.

28 6. The provisions of this section shall not apply to a teacher for
29 five years after the teacher first obtains licensure in this state. Any

30 **teacher that demonstrates a high level of competency on the initial**
31 **licensure examination is exempted from the provisions of this section**
32 **for a period of ten years from the date of initial licensure as a teacher.**

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